



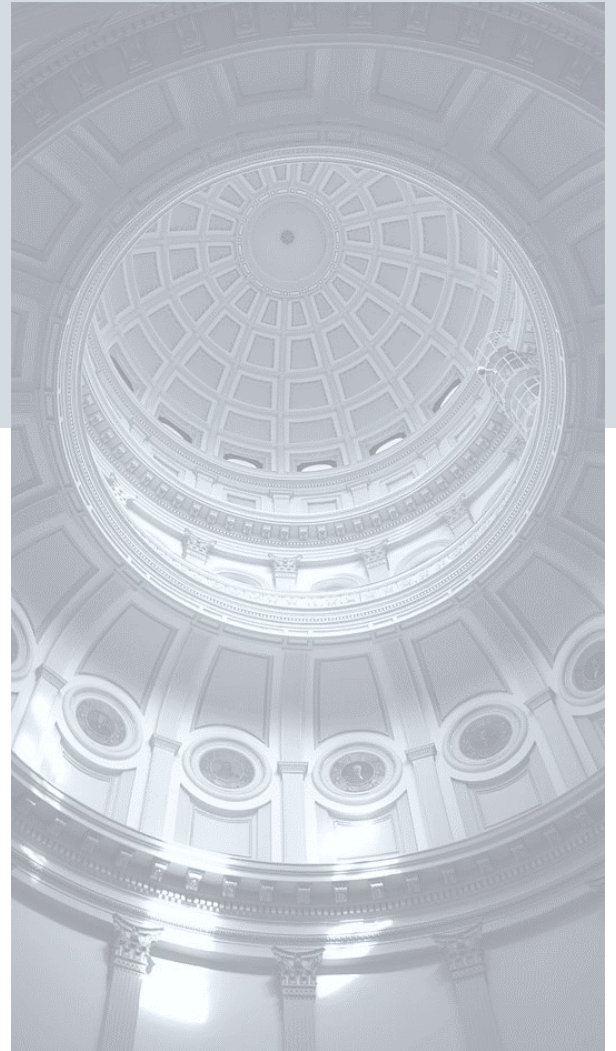
COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

2023 Sunrise Review

Private Security Guards



December 29, 2023



COLORADO

**Department of
Regulatory Agencies**

Executive Director's Office

December 29, 2023

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The General Assembly established the sunrise review process in 1985 as a way to determine whether regulation of a certain profession or occupation is necessary before enacting laws for such regulation and to determine the least restrictive regulatory alternative consistent with the public interest. Pursuant to section 24-34-104.1, Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on June 30 and December 31.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed its evaluation of the sunrise application for the regulation of private security guards and is pleased to submit this written report.

The report discusses the question of whether there is a need for regulation in order to protect the public from harm, whether regulation would serve to mitigate the harm and whether the public can be adequately protected by other means in a more cost-effective manner.

To learn more about the sunrise review process, among COPRRR's other functions, visit coprrr.colorado.gov.

Sincerely,

Patty Salazar
Executive Director



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Background

Sunrise Process

Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review.

The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA's Colorado Office of Policy, Research and Regulatory Reform (COPRRR) must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:¹

(I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public;

(I.5) Whether the practitioners of the profession or occupation exercise independent judgment, and whether the public can reasonably be expected to benefit from the direct regulation of the profession or occupation if a practitioner's judgment or practice is limited or subject to the judgment or supervision of others;

(II) Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence;

(III) Whether the public can be adequately protected by other means in a more cost-effective manner; and

(IV) Whether the imposition of any disqualifications on applicants for licensure, certification, relicensure, or recertification based on criminal history serves public safety or commercial or consumer protection interests.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must include a description of the proposed regulation and justification for such regulation.

¹ § 24-34-104.1(4)(b), C.R.S.

Methodology

During the sunrise review, COPRRR staff performed a literature search, contacted and interviewed the sunrise applicant, contacted regulators in Colorado, reviewed laws in other states and interviewed stakeholders. To determine the number and types of complaints filed against private security officers, COPRRR staff also contacted regulatory agencies in other states.

Profile of the Profession

Security guards, also commonly referred to as security officers, assist with the protection of property, deter criminal activity, and enforce rules on a property.² Additionally, security guards need to always be prepared to deter violent acts and respond to emergencies.³

Some of the typical duties of a security guard may include, but are not limited to:⁴

- Patrolling property,
- Monitoring alarm systems and video surveillance cameras,
- Controlling building access by visitors and employees,
- Conducting security checks in specified areas, and
- Drafting reports regarding observations while on duty.

Venues that routinely hire security guards often employ them in instances where a business sells valuable or in-demand goods, such as shopping centers, and they may also utilize their services in public spaces that attract crowds, including concerts and sporting events.⁵

Security guards may also act as a visual deterrent, and their mere presence may help to deter potential criminal activity. However, in circumstances where individuals may exhibit dangerous behavior, security guards must be prepared to mitigate risks and address situations as they occur.⁶

Additional traits that may be valuable in the role of a security guard include, but are not limited to:⁷

- Possess negotiation and communication skills,
- Have physical and mental fitness,
- Be a detail-oriented person, and
- Possess basic first aid knowledge.

² U.S. Bureau of Labor Statistics, Occupational Outlook Handbook. *What Security Guards and Gambling Surveillance Officers Do*. Retrieved November 14, 2023, from www.bls.gov/ooh/protective-service/security-guards.htm#tab-2

³ U.S. News and World Report. *Security Guard Overview: What is a Security Guard?* Retrieved November 14, 2023, from money.usnews.com/careers/best-jobs/security-guard

⁴ U.S. Bureau of Labor Statistics, Occupational Outlook Handbook. *What Security Guards and Gambling Surveillance Officers Do*. Retrieved November 14, 2023, from www.bls.gov/ooh/protective-service/security-guards.htm#tab-2

⁵ National Investigative Training Academy. *What a Security Guard Can and Cannot Do*. Retrieved November 14, 2023, from investigativeacademy.com/what-a-security-guard-can-and-cannot-do/

⁶ Ibid.

⁷ Centre for Security Training and Management, Inc. *What are the Duties and Responsibilities of Security Personnel?* Retrieved November 14, 2023, from www.centreforsecurity.com/what-are-the-duties-and-responsibilities-of-security-personnel/

Security guards must typically possess a high school diploma or equivalent although some security guard positions may not require formalized educational prerequisites. Additionally, although most employers provide training for their employees, many states recommend at least 8 hours of pre-assignment training and approximately 8 to 16 hours of on-the-job training in addition to 8 hours of annual continuing education.⁸

Further, the amount of training received may also be dependent upon the job title and the requirements of the employer. Additionally, armed security guards typically receive weapons training which would not be considered necessary for unarmed security guards.⁹

For example, 28 states require that specific training hours be met for armed security officers, but only 23 of those states have training requirements with a specific number of hours for unarmed security guards.¹⁰

In 2021, according to the U.S. Bureau of Labor Statistics, more than one million security guards held jobs in both public and private capacities in the United States. Of those, approximately 60 percent worked in investigation, armored car or guard services. Additionally, 7 percent were reported to work in local, state, and private educational institutions; 6 percent worked in social assistance or health care institutions; 4 percent worked in accommodation and food services; and 4 percent worked in government institutions.¹¹

As of May 2022, the national median hourly wage for security guards was \$16.71, with an annual median wage of \$34,750.¹²

It should be noted that the subject of this sunrise review relates specifically to private security guards, either hired by a security guard company and retained on a contract basis to provide security services or hired directly by the entity requiring security services. The Private Security Officer Employment Authorization Act of 2004 defines a private security guard as,

an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full or part time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this

⁸ U.S. Bureau of Labor Statistics, Occupational Outlook Handbook. *Security Guards and Gambling Surveillance Officers: How to Become a Security Guard or Gambling Surveillance Officer*. Retrieved November 14, 2023, from www.bls.gov/ooh/protective-service/security-guards.htm#tab-4

⁹ U.S. News and World Report. *Security Guard Overview: What is a Security Guard?* Retrieved November 14, 2023, from money.usnews.com/careers/best-jobs/security-guard

¹⁰ National Association of Security Companies, *White Paper: Security Officer Training Requirements*, June, 2021, p. 4.

¹¹ U.S. News and World Report. *Security Guard Overview: What is a Security Guard?* Retrieved November 14, 2023, from money.usnews.com/careers/best-jobs/security-guard

¹² U.S. Bureau of Labor Statistics, Occupational Outlook Handbook. *What Security Guards and Gambling Surveillance Officers Do*. Retrieved November 14, 2023, from www.bls.gov/ooh/protective-service/security-guards.htm#tab-2

section if the Attorney General determines by regulation that such exclusion would serve the public interest); but does not include employees whose duties are primarily internal audit or credit functions; employees of electronic security system companies acting as technicians or monitors; or employees whose duties primarily involve the secure movement of prisoners.¹³

According to the sunrise application, there are an estimated 16,370 security guards in the state of Colorado.

¹³ 34 USC § 41106(c)(3)

Proposal for Regulation

Contemporary Services Corporation (sunrise applicant) submitted a sunrise application to the Colorado Office of Policy, Research and Regulatory Reform in the Department of Regulatory Agencies for review consistent with section 24-34-104.1, Colorado Revised Statutes (C.R.S.).

The application identifies licensure of private security guards as the appropriate level of regulation. The sunrise applicant further asserts that although some municipalities in Colorado regulate private security guards, many municipalities do not, which is perceived as potentially allowing for harm to the general public, their clients, such as the businesses that employ them, or to the private security guards themselves.

The sunrise applicant also asserts that biometrical tools, such as fingerprints, should be submitted to the National Criminal Information Center (also known as NCIC) as a part of a uniform background check process to help ensure that all practitioners of the profession meet minimal standards.

Further, the sunrise applicant states that minimum training requirements should be instituted to enhance the skills and knowledge base of private security guards in Colorado although details regarding the number of hours and types of training were not specifically provided by the sunrise applicant.

Summary of Current Regulation

Federal Laws and Regulations

Currently, there are no federal laws requiring private security guards to be licensed, certified, or registered. However, there are federal laws which define the role of private security guards and delineate the process for obtaining background checks for those who perform work as a private security guard.

On December 7, 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act. Section 6402 of this act, which is also known as the Private Security Officer Employment Authorization Act of 2004 (Act), was enacted to authorize fingerprint-based criminal history checks of both state and national criminal history records to create a process for screening prospective as well as current private security officers. Additionally, in states that do not regulate private security guards, the Act permits notification of conviction of certain crimes to an employer.¹⁴

Further, Title 28 of the Code of Federal Regulations provides authorization for access of the criminal justice information systems maintained by the Federal Bureau of Investigation in order to operationalize the Act through 28 CFR § 105.¹⁵

The Act defines a private security officer as,

an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full or part time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this section if the Attorney General determines by regulation that such exclusion would serve the public interest); but does not include employees whose duties are primarily internal audit or credit functions; employees of electronic security system companies acting as technicians or monitors; or employees whose duties primarily involve the secure movement of prisoners.¹⁶

¹⁴ National Archives, Federal Register. *Implementation of the Private Security Officer Employment Authorization Act of 2004*. Retrieved November 16, 2023, from www.federalregister.gov/documents/2006/01/11/06-223/implementation-of-the-private-security-officer-employment-authorization-act-of-2004#:~:text=Section%206402%20of%20that%20Act,and%20current%20private%20security%20officers.

¹⁵ National Archives, Federal Register. *Implementation of the Private Security Officer Employment Authorization Act of 2004*. Retrieved November 16, 2023, from www.federalregister.gov/documents/2006/01/11/06-223/implementation-of-the-private-security-officer-employment-authorization-act-of-2004#:~:text=Section%206402%20of%20that%20Act,and%20current%20private%20security%20officers.

¹⁶ 34 USC § 41106(c)(3)

The Colorado Regulatory Environment

In the absence of statewide regulation, some local governments in Colorado have established regulations related to private security guard licensure.

At least four local governments currently have a licensure requirement for private security guards individually, including:

- Colorado Springs,
- Denver,
- Greeley, and
- Pueblo.

Colorado Springs

Colorado Springs defines a private security officer as,

A person employed or engaged by a private security agency to provide security services. This definition shall apply to the owner, agent or principal of a contract security agency who also performs security services for any contract security agency.¹⁷

Applicants must be at least 18 years of age, and any applicant requesting a firearm endorsement must be at least 21 years of age.¹⁸ An application must include the applicant's past five years of residence addresses and a statement of work history for the past five years. Additionally, the applicant must obtain a Firearm/Conductive Energy Weapon (CEW) endorsement.¹⁹

Further, applicants are required to supply a certificate of completion for a basic security officer training program with a minimum of a 75 percent score prior to the issuance of a license. In order to receive a firearm endorsement, the applicant must also provide a certificate of completion of an approved firearm safety and familiarization course offered by either a National Rifle Association (NRA) or a Peace Officer Standards and Training (POST) instructor.²⁰

Each licensee is issued an identification card, which must be carried by the private security guard at all times when performing security guard services. Licensure must be renewed on a yearly basis, along with the Firearm/CEW endorsement.²¹ In order to qualify for the Firearm/CEW endorsement, the applicant must meet specific training standards and must not have any convictions of federal, state, or local laws relating to domestic violence or weapons, firearms, domestic abuse violations, or offenses related to unlawful sexual behavior.²²

¹⁷ § 2.3.202: Definitions, City Code of Colorado Springs, Colorado.

¹⁸ § 2.3.204: Qualifications for License, City Code of Colorado Springs, Colorado.

¹⁹ § 2.3.210: Application Requirements for Security Officers, City Code of Colorado Springs, Colorado.

²⁰ § 2.3.213: Private Security Officer Training, City Code of Colorado Springs, Colorado.

²¹ § 2.3.211: Private Security Officer Licenses, City Code of Colorado Springs, Colorado.

²² § 2-3-210.B.1. Private Security Officer Licenses, City Code of Colorado Springs, Colorado.

Denver

Denver defines a security guard as,

A person employed or engaged by a private security employer to perform security services, and includes the owner, agent, or principal of a security guard employer who also performs security services.²³

Unless specifically exempted from licensure requirements, every private security guard performing work in Denver must first obtain a license.²⁴ An application for licensure must include:²⁵

- The name and address of the applicant's employer, as well as the nature of the services to be rendered by the applicant;
- A statement regarding whether the applicant has been convicted of a felony, misdemeanor, or municipal ordinance violation;
- A statement regarding whether a judgement of fraud, deceit, or misrepresentation has ever been entered against the applicant;
- A statement of the applicant's five previous years of work or school history;
- A certificate from a licensed physician, registered nurse, or physician assistant stating that the applicant is found to be physically and mentally capable of performing required duties, executed within 60 days of the application date;
- A national criminal history record check conducted by the Federal Bureau of Investigation which must include fingerprints, to be completed no more than 60 days prior to the application date; and
- Successful completion of an approved basic security guard training program, to be completed no more than 60 days prior to application.

Each licensee is issued an identification card which contains the licensee's license type and number, expiration date, name and recent photograph of the license holder, signatures of the Director of the Denver Department of Excise and Licenses and the card holder, a firearm endorsement if the licensee is authorized to carry a firearm, as well as a plain clothes endorsement if exempted from the uniform requirement. The identification card must be carried by the private security guard at all times when performing security guard services.²⁶

²³ § 42-131(8), Denver Revised Municipal Code.

²⁴ § 42-132(b)(1), Denver Revised Municipal Code.

²⁵ § 42-133(a), Denver Revised Municipal Code.

²⁶ § 42-132(f), Denver Revised Municipal Code.

Greeley

Greeley defines private security services as,

A person, firm or corporation, including its employees and agents, engaged in the business of providing protection to third persons, firms or corporations, and/or their property and preserving the peace and conduct of any business in the city, but does not mean persons who are employed to provide unarmed internal security for their employer's business. (1) The definition of the term "private security services" includes...all armed private security personnel; guard and patrol services and personnel for hire, investigative services and personnel for hire, vehicle escort services, and alarm services and personnel for hire. (2) The definition of the term "private security services" does not include...unarmed automated teller machine (ATM) personnel, or any armored car or armored car courier service which is regulated by the Federal Armored Car Industry Reciprocity Act of 1993, as amended.²⁷

Unless an exception is granted by the chief of police, all individuals working as a private security guard must first obtain a license.²⁸

The application for licensure must be filed with the chief of police and must include, but is not limited to:²⁹

- The name of the company that employs the applicant, as well as a description of the services provided;
- A statement of intention regarding the applicant's intent to carry a firearm;
- A statement regarding whether the applicant has ever been convicted of a felony, misdemeanor, or any other violation of the laws or ordinances of any jurisdiction involving moral turpitude or a breach of the peace. The statement must also include information regarding the nature of the offense, the penalty imposed, and the date and place where the offense occurred;
- A statement regarding whether the applicant has ever had a driver's license suspended or revoked, as well as a description of the date, location, and nature of the suspension or revocation;
- A statement regarding whether a judgment or conviction has been entered against the applicant for fraud, deceit, or misrepresentation;
- A statement regarding the applicant's employment history for 10 years prior to application;
- A certificate of completion of an approved and generally accepted private security guard training course, with a minimum of 24 hours of instruction or equivalent training as determined by the chief of police; and
- A written consent to conduct a background investigation.

Licenses are valid for up to one year and must be renewed within 30 days prior to the expiration date. In order to renew a license, the applicant must demonstrate

²⁷ § 8-227, Greeley, Colorado, Code of Ordinances.

²⁸ § 8-228, Greeley, Colorado, Code of Ordinances.

²⁹ § 8-229(b), Greeley, Colorado, Code of Ordinances.

completion of no less than 24 hours of additional in-service training during the previous year.³⁰

Each licensee is issued an identification card by the chief of police which contains the name, physical address and photograph of the license holder, name of employer if applicable, signatures of the chief of police and the card holder, a statement as to whether the licensee is authorized to carry firearms, and the expiration date of the license, as well as any other information that the chief of police deems advisable. The identification card must be carried by the private security guard at all times when performing security guard services.³¹

Pueblo

Pueblo defines a security guard as,

...any natural person employed by a licensed merchant patrol or security guard service for the purpose of watching, guarding, or otherwise protecting the persons or property on any premises not his or her own. The term shall include but is not limited to uniformed guards and bouncers performing services as an employee of a licensed merchant patrol or security guard service in premises licensed under Articles 3, 4 and 5 of Title 44, C.R.S., but shall not include individuals employed by any common carrier engaged in interstate commerce, industrial or commercial guards employed directly by the owner of an industrial or commercial premises, or peace officers acting within the scope of their employment. A security guard may be licensed as either an armed security guard or an unarmed security guard.³²

Every private security guard performing work in Pueblo must first obtain a license.³³ An application for a license must include:³⁴

- The full name, age, and address of the applicant;
- Employment history for the five years preceding the application;
- Any requested information regarding the applicant's character, competency, and integrity;
- Disclosure of any felony, misdemeanor, or ordinance violations, as well as the nature of the offense, the penalty imposed, and the date and location where the violation occurred; and
- Written statements from at least two reputable citizens of the city who certify that they have known the applicant for a least two years immediately prior to the filing of the application and attest that, to their knowledge, the applicant is competent, honest, of good character, and suitable to engage in work as a private security guard.

³⁰ § 8-230, Greeley, Colorado, Code of Ordinances.

³¹ § 8-236, Greeley, Colorado, Code of Ordinances.

³² § 9-12-1, Pueblo, Colorado, Code of Ordinances.

³³ § 9-12-2, Pueblo, Colorado, Code of Ordinances.

³⁴ § 9-12-3, Pueblo, Colorado, Code of Ordinances.

Additionally, a bond must be filed in the amount of \$5,000 with sufficient sureties on the condition of honest conduct and faithful performance and will pay any judgements rendered against the license.³⁵

Regulation in Other States

According to documentation provided in the sunrise application, at least 34 states, including the District of Columbia, regulate security guards at the state-level. Thirty-one of those states, including the District of Columbia, license private security guards while at least three states require a form of registration for all private security guards.

Of those states that do not require regulation on a state level, municipal regulation exists in at least five states, including Colorado, Kansas, Missouri, Pennsylvania, and South Dakota. States that do not appear to regulate private security guards include Idaho, Kentucky, Nebraska, and Wyoming.

Since there is no uniformity in the regulatory framework utilized from state to state, the regulation of private security guards varies widely. For example, some states require varying levels of minimum training while other states do not possess this requirement.

However, of those states that license private security guards, most require the passage of a criminal history background check of the applicant on the local, state, and/or federal level prior to being considered eligible for licensure or registration. Table 1 provides information detailed in the sunrise application which highlights the most common elements for licensure in the states that regulate private security guards.

³⁵ § 9-12-6, Pueblo, Colorado, Code of Ordinances.

Table 1
Regulation in Other States

State	Employee License Required	Background Check Required	Minimum Training Requirement
Alabama	X	X	X
Alaska	X	X	X
Arizona	X	X	X
Arkansas	X	X	X
California	X	X	X
Colorado			
Connecticut	X	X	X
Delaware	X	X	X
District of Columbia	X	X	X
Florida	X	X	X
Georgia	X	X	X
Hawaii	X	X	X
Idaho			
Illinois	X	X	X
Indiana		X	X
Iowa		X	
Kansas			
Kentucky			
Louisiana	X	X	X
Maine		X	
Maryland	X	X	
Massachusetts		X	
Michigan			
Minnesota		X	X
Mississippi			
Missouri			
Montana	X	X	X
Nebraska			
Nevada	Registration required	X	
New Hampshire	X	X	

State	Employee License Required	Background Check Required	Minimum Training Requirement
New Jersey	X	X	X
New Mexico	X	X	X
New York	X	X	X
North Carolina	X	X	X
North Dakota	X	X	X
Ohio	X	X	
Oklahoma	X	X	X
Oregon		X	X
Pennsylvania			
Rhode Island	X	X	
South Carolina	Registration required	X	X
South Dakota			
Tennessee	X	X	X
Texas	X	X	X
Utah	X	X	X
Vermont	X	X	X
Virginia	X	X	X
Washington	X	X	X
West Virginia	Registration required	X	
Wisconsin	X	X	
Wyoming			

Analysis and Recommendations

Public Harm

Sunrise criterion I asks:

Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public.

Before moving forward in the analysis of harm concerning private security guards, it is important to identify what constitutes harm to the public. Private security guards serve an important role as they provide security, both armed and unarmed, in a variety of settings such as:

- Entertainment, including concerts, festivals and fairs;
- Sporting events;
- Health, including hospitals and urgent care facilities;
- Places of tourism, including convention centers, trade shows, casinos, fairgrounds and other popular destinations;
- Warehouse distribution centers;
- Energy facilities, including natural gas and oil sites, refineries, wind farms, solar arrays and power distribution centers;
- Water resources (i.e., dams and reservoirs);
- Mining facilities;
- Financial Services, including banks, credit unions and call centers; and
- Transportation centers, including airports.

There are a variety of situations where private security guards could harm consumers, such as the use of force on members of the community, which could potentially cause death.

In order to determine whether the regulation of private security guards is necessary in Colorado, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) staff requested that the sunrise applicant and other stakeholders provide specific examples of harm, which are highlighted below accompanied by COPRRR's analysis. The sunrise application also included an attachment with additional examples of harm. Those examples can be found in Appendix A.

Example 1

On September 2, 2011, at Dick's Sporting Goods Park in Commerce City, Colorado, a private security guard attacked a guest in the parking lot of the venue and was subsequently arrested and charged with misdemeanor assault. For the past 24 years, the private security guard had provided security services for concerts throughout the state of Colorado. He is an example of a dangerous individual who can provide security services without any training or certification. In an unregulated environment, an individual with a criminal history similar to the private security guard could be hired to protect people and property.

The action of the private security guard exemplifies the risk of physical, emotional, and financial harm to clients posed by private security officers who provide erroneous service. More importantly, it shows that the safety and welfare of the Colorado public is at risk. The private security guard should have been trained and screened prior to providing security services to the public in a large venue. A properly trained security officer would have the skills necessary to perform their job while avoiding a physical attack on a guest. Additionally, licensing standards and screening requirements would ensure that individuals would be prevented from performing security functions in the future. As previously stated, there should be disciplinary standards in place for individuals who have engaged in improper conduct while performing security work.

Analysis

This example demonstrates an instance where a private security guard physically assaulted a guest at a sports venue.

The incident occurred in Commerce City where private security guards are not regulated. Since Commerce City does not have regulatory jurisdiction over private security guards, they could not have formally disciplined the private security guard.

Importantly, since minimum training requirements do not exist, the security guard who was arrested for assault could continue to provide services as a security guard in Commerce City and other jurisdictions without completing minimum training requirements.

As such, this example shows there may be a need for the implementation of minimum training requirements for private security guards.

Example 2

On January 9, 2023, a shooting occurred at a night club in Denver. A private security company provided four guards for the venue and only one of them was properly licensed. The City and County of Denver requires licenses for security guards and the companies that employs them. There was a conflict among the patrons that moved outside, and one patron fled in a truck. One of the security guards fired at the truck multiple times as it fled. The victim suffered a single gunshot wound to his torso and was pronounced dead. As a result, the security guard was arrested and lost their license from the City and County of Denver. With proper training and regulation, events like this may prevent harm to the citizens of Colorado.

Analysis

This example demonstrates an instance where a private security guard killed a night club patron who was fleeing in his truck in Denver.

Since the incident occurred in the City and County of Denver, where private security guards are regulated, the City and County of Denver could have formally disciplined the private security guard. However, it is unclear from the information provided in the sunrise application if the private security guard was formally disciplined.

Importantly, since the City and County of Denver already requires minimum training for private security guards, in this instance, additional training may be required to provide adequate protection to consumers.

Example 3

On October 10, 2020, an incident involving an unlicensed private security guard resulted in the fatal shooting of a demonstrator at a rally in Denver. The private security guard was working as an unlicensed guard for Denver television station 9 News at the time. The victim and the private security guard became involved in a dispute. The victim was holding a can of pepper spray and slapped the private security guard in the head. In response, the private security guard drew a gun and fired.

The private security guard was subsequently charged with second degree murder. Following the shooting, the City and County of Denver confirmed the private security guard did not have a license to operate as a security guard or to carry a gun in Denver. The private security guard company was cited for violating the city's municipal code, and the company reached a settlement agreement with the city to surrender its security guard employer license and not seek another for five years. Prosecutors ultimately decided to drop the charges against the private security guard as they were not certain they could prevail on whether the private security guard had the right to use lethal force.

Analysis

This example illustrates an instance where a private security guard fatally shot a protester at a rally in Denver.

The example states that the private security guard was providing security services in the City and County of Denver without a license. Practicing without a private security guard license in the City and County of Denver is a violation of the local municipal code. Also, the example stated that the private security guard company that hired the private security guard was ultimately disciplined by the City and County of Denver.

Importantly, since the City and County of Denver already requires minimum training for private security guards, in this instance, additional training may be required to provide adequate protection to consumers.

The following examples of harm provided by the sunrise applicant detail various court cases, where private security guards harmed residents.

Example 4

On April 20, 2018, a plaintiff in a lawsuit was assaulted by private security guards at Denver's Union Station. The private security guards were employees of a private security guard company. Three of the officers involved subsequently entered guilty pleas after being criminally charged as a result of the attack. The plaintiff was knocked unconscious during the assault and is alleged to have suffered significant, permanent, traumatic brain injuries, as well as injuries to his face and jaw. The plaintiff also brought state tort claims for negligent hiring and supervision of employees and allowing the hiring of officers without training and experience.

Analysis

This example highlights a court case in 2018 where three private security guards were involved in a lawsuit due to assaulting a resident who suffered extensive injuries in the attack.

The example states that the incident occurred in the City and Country of Denver, but it is unclear whether the private security guards were properly licensed. Additionally, the private security guards entered guilty pleas in the lawsuit, which thereby implies that they were, in fact, guilty of attacking the resident.

Although the private security guards entered a guilty plea, they could presumably provide private security guard services in the future, which could compromise consumer protection. In this example, additional training may be necessary to adequately protect the public.

Example 5

On September 18, 2009, a consumer was at a nightclub in Denver when, shortly before closing, the consumer claims that a nightclub employee forced the consumer outside, pushed him into a wall, and slammed him to the ground. The consumer allegedly suffered from torn ligaments in his left knee as a result of the incident. The consumer claimed that the employee was acting in the course and scope of his employment with the nightclub when the attack occurred. The nightclub denied that the nightclub employee was actually an employee or agent of the club. The nightclub also disputed causation and claimed that consumers' own negligence caused their damages. The jury returned a verdict in favor of the nightclub and against the consumer on all claims. However, the jury returned a verdict for the consumer and against the nightclub employee in the amount of \$62,927. The jury found that the nightclub employee was an agent of the nightclub but decided that he acted outside the scope of his authority from the nightclub.

Analysis

This example illustrates an instance in 2009 where an employee of a nightclub physically harmed a consumer. According to the example, the jury awarded \$62,927 for the actions of the nightclub employee.

It is unclear whether the nightclub employee was providing services as a private security guard at the time the incident occurred. As such, it is unclear whether the actions of a private security guard caused harm to the consumer.

Therefore, it is unclear whether private security guard training would have prevented this event from occurring.

Example 6

On September 6, 2006, security guards employed by a security guard company (Defendant) allegedly assaulted a consumer behind a nightclub after the consumer left the establishment, causing a closed head injury, contusions, facial lacerations, and permanent facial scarring. The security guards also were named as Defendants in the case. The consumer claimed that the nightclub failed to properly train and supervise its employees and that the security guards used excessive force with the intent to inflict bodily harm. Defendants denied liability and contended that the consumer was comparatively negligent. Defendants also disputed the extent of the consumer's alleged injuries. The jury returned a verdict for the consumer in the amount of \$15,000 for pain and suffering.

Analysis

This example illustrates an instance where private security guards assaulted a consumer behind a nightclub. Importantly, this example is 17 years old.

This example does not indicate where the incident occurred or whether the private security guards of the private security guard company were licensed.

However, these private security guards and the security guard company could continue to provide services in jurisdictions that do not have minimum training requirements in place, which could compromise consumer protection.

Therefore, this example illustrates an instance where private security guard training may be necessary.

Example 7

On September 11, 2004, during an Oktoberfest celebration, privately retained security guards responded to a call at a Starbucks and attempted to charge a consumer with disturbing the peace. The consumer began yelling obscenities and fled the scene. The consumer claimed that the security guards assaulted him. The private security guards claimed that the consumer ran into a pole while fleeing. The private security guards denied that they caused the consumer's alleged injuries and damages. The jury returned a verdict for the consumer and against the owner of the private security company related to the consumer's assault and battery claims in the amount of \$5,000.

Analysis

This example highlights an instance where private security guards assaulted a consumer at an Oktoberfest celebration. Importantly, this example is 19 years old.

This example does not indicate where the incident occurred or whether the private security guards of the private security guard company were licensed.

However, these private security guards and the security guard company could continue to provide services in jurisdictions that do not have minimum training requirements in place, which could compromise consumer protection.

Therefore, this example illustrates an instance where private security guard training may be necessary.

Example 8

The Plaintiff and her cousin were shopping at the Defendant's store. After they left the store, security personnel accused the Plaintiff's cousin of shoplifting and detained both the Plaintiff and her cousin. The Plaintiff claimed that she was injured when she was handcuffed by the Defendant's employee. The Plaintiff's alleged injuries included bruises to both wrists and a right shoulder injury. The Defendant denied liability and claimed that the Plaintiff was comparatively negligent. The jury returned a verdict for the Plaintiff in the amount of \$5,350.

Analysis

This example details an instance where a security guard injured a consumer when she was handcuffed. Importantly, this example is 19 years old.

Again, this example does not indicate where the incident occurred or whether the security guard of the store was licensed.

However, the security guard could continue to provide services in jurisdictions that do not have minimum training requirements in place, which could compromise consumer protection.

Therefore, this example illustrates an instance where private security guard training may be necessary.

The examples of harm presented above demonstrate that there have been instances where private security guards physically harmed consumers. As a result, the implementation of minimum training requirements for private security guards may serve to mitigate harm to consumers.

Independent Judgement

Sunrise criterion I.5 asks:

Whether the practitioners of the profession or occupation exercise independent judgment, and whether the public can reasonably be expected to benefit from the direct regulation of the profession or occupation if a practitioner's judgment or practice is limited or subject to the judgment or supervision of others.

As mentioned earlier in this sunrise report, private security guards work in a variety of settings such as:

- Concerts,
- Sporting events,
- Banks, and
- Hospitals.

The main responsibility of private security guards is to provide protection to facilities that they are charged with watching and ensuring the safety of individuals at venues such as concerts and sporting events. In this capacity, private security guards exercise independent judgment when situations occur where citizens or others could be harmed. For example, if a private security guard is working at a concert and a fight occurs between two or more patrons, the private security guard is tasked with using independent judgment to assess the situation and to intervene so that the patrons who are fighting do not harm each other or anyone else at the concert. Training and education may provide the skills necessary to handle such situations, but independent judgment is still required to apply those skills in a given situation.

Therefore, the utilization of independent judgement by private security guards is critical in performing their duties.

Need for Regulation

Sunrise criterion II asks:

Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence.

During this sunrise review, there was evidence presented via examples of harm provided by the sunrise applicant that private security guards lack adequate skills, education or competence to practice safely. For example, many of the examples of harm presented included instances where private security guards used excessive or even deadly force on citizens.

Although private security guards are not law enforcement personnel, both can find themselves in tense situations, situations for which law enforcement personnel receive training.

As such, establishing minimum training requirements in areas such as de-escalation may serve to minimize instances where private security guards harm consumers.

Alternatives to Regulation

Sunrise criterion III asks:

Whether the public can be adequately protected by other means in a more cost-effective manner.

Currently, there are at least four local governments that provide regulatory oversight of private security guards:

- Colorado Springs,
- Denver,
- Greeley, and
- Pueblo.

An alternative to state regulatory oversight of private security guards is to require all municipalities to regulate the profession. Requiring regulatory oversight by each municipality in the state of Colorado would provide assurance to the public that there would be governmental accountability if a private security guard harms a consumer.

However, there are limitations to requiring all municipalities to regulate private security guards. For example, some municipalities have more robust oversight, where others do not. The lack of robust oversight could result in a misleading sense of security among the public.

Also, requiring all municipalities to regulate private security guards would present logistical issues related to documenting certain individuals who have been disciplined in one municipality when they attempt to obtain a license in another municipality to work as a private security guard. For instance, if a private security guard is disciplined in the City and County of Denver for a violation of the municipal code, they could apply for a license in the City of Littleton, and City of Littleton staff would not be aware that the practitioner was disciplined in the City and County of Denver, which may pose a security risk to the public. It would also create a patchwork of requirements and make it difficult for employers to make sure their people are properly licensed from one assignment to the next.

Creating a requirement for all municipalities to regulate private security guards may not be a viable option for providing adequate consumer protection.

Another alternative to state regulatory oversight of private security guards is to require Peace Officer Standards and Training (POST), which is located in the Colorado Department of Law, to create a training program that establishes minimum tiered requirements based on a private security guard's responsibility and assignment (e.g., armed versus unarmed or event security versus an office building). Once POST creates minimum training requirements, it would be the responsibility of the employer to

ensure that private security guards have completed the applicable POST training prior to working as a private security guard.

Local governments would still be permitted to establish their own training requirements, but those requirements would have to be at least as stringent as the POST requirements.

Requiring employers to conduct criminal history background checks of all private security guards could also serve to mitigate harm.

Since minimum training requirements would be established by POST for all private security guards in Colorado, and local governments would be able to establish their own standards, this may be a viable option for providing adequate consumer protection.

Collateral Consequences

Sunrise criterion IV asks:

Whether the imposition of any disqualifications on applicants for licensure, certification, relicensure, or recertification based on criminal history serves public safety or commercial or consumer protection interests.

The sunrise application proposed using an applicant's criminal history as a disqualifier for private security guard regulation. During the sunrise review, there were instances where private security guards engaged in criminal activity, such as assaulting citizens. The implementation of a criminal history background check could serve to provide increased public protection by prohibiting private security guards with a criminal history from practicing in Colorado.

Conclusion

The sunrise application requested licensure of private security guards in Colorado. The sunrise applicant further asserts that, although some municipalities in Colorado regulate private security guards, many municipalities do not, which is perceived to potentially allow for harm to the general public, their clients, such as the businesses that employ them, or to the private security guards themselves.

The sunrise applicant also asserts that biometrical tools, such as fingerprints, should be submitted to the National Criminal Information Center (also known as NCIC) as a part of a uniform background check process to help ensure that all practitioners of the profession meet minimal standards.

Further, the sunrise applicant states that minimum training requirements should be instituted, which the sunrise applicant proposes be required of all members of the

profession in order to enhance the skills and knowledge base of private security guards in Colorado.

Private security guards work in a variety of settings, and they are responsible for assisting in keeping the public safe in a diverse array of places such as concerts, sporting events and office buildings. As a result, the proper actions of private security guards are essential. Consumers rely heavily on the actions of private security guards to ensure safety.

The examples of harm provided for this sunrise review highlight instances where the actions of private security guards resulted in harm to consumers, including severe injuries and even death. The majority of examples of harm occurred in Denver where private security guards are licensed by the City and County of Denver. For example, there was an instance where a private security guard shot a protester at a rally in Denver. Although the private security guard and the security guard company were disciplined by the City and County of Denver, the private security guard and the security guard company could still provide services in other municipalities.

Currently, there are at least four local governments that provide regulatory oversight of private security guards: Colorado Springs, Denver, Greeley and Pueblo. Importantly, there are some municipalities that provide more robust oversight than others. The limited number of municipalities providing oversight of private security guards presents potential situations where consumers may be at risk from being harmed by a private security guard who lacks adequate training or who has harmed consumers in the past. For example, if a private security guard is licensed in the City and County of Denver and violated the municipal code and is ultimately disciplined by the City and County of Denver, they still may be able to practice as a private security guard in another municipality that does not provide regulatory oversight.

In sum, the evidence of harm presented during the course of research for this sunrise review demonstrates examples of physical harm and illegal activity, such as assault on consumers presumably due to a lack of training. As such, Peace Officer Standards and Training (POST) should create a training program that establishes minimum tiered requirements based on a private security guard's level of responsibility and assignment (e.g., armed versus unarmed or event security versus office building security). Once POST creates minimum training requirements, it should be the responsibility of employers to ensure that their private security guards have completed the POST training prior to working as a private security guard.

Additionally, employers should be required to conduct criminal history background checks of all private security guards prior to the commencement of work.

Local governments should still be permitted to establish their own training requirements, but those requirements must be at least as stringent as the POST requirements.

Recommendation – Create standardized minimum training requirements for private security guards.

Appendix A – Sunrise Application Additional Examples of Harm

The following examples were included as an attachment to the sunrise application.

1. *Johnson v. Sparks, et al.*, United States District Court for the District of Colorado Case No.1:09CV01536; Date of Incident: April 4, 2009

The Plaintiff was escorted from a Denver nightclub by a bouncer for refusing to tip a restroom attendant. Outside the nightclub, the bouncer allegedly struck Plaintiff repeatedly and tackled him to the ground. Denver Police officers witnessed the altercation. The Plaintiff broke away from the bouncer, but was tackled and assaulted by the police officers. The Plaintiff's acquaintance witnessed the altercation and called for help, at which time he also was allegedly assaulted by police. The Plaintiff was transferred to a local hospital for treatment for head trauma and facial contusions. The Plaintiff filed suit against the City of Denver, the police officers, the bouncer, and the operator of the nightclub. The City of Denver settled with the Plaintiff for \$15,500. The Plaintiff's claims against the bouncer and nightclub operator were settled separately for an additional \$15,500.

2. *Barizonte v. Bouboulina, Inc., dba Vinyl, et al.*, Denver District Court Case No. 08CV9204; Date of Incident: October 27, 2007; Date of Trial: February 7, 2011

The Plaintiff went to the Defendant's nightclub with friends and was allegedly attacked by a nightclub security guard without warning. The Plaintiff claimed that two other nightclub security guards joined the attack. The Plaintiff filed suit against the nightclub and security guards and claimed that the security guards were the nightclub's employees at the time of the attack. The security guard Defendants claimed self-defense. The nightclub claimed that the security guards were independent contractors and not employees at the time of the incident. One security guard counterclaimed for personal injuries caused by Plaintiff in the altercation. The Court granted directed verdict in favor of the nightclub. The jury returned a verdict for Plaintiff and against the individual security guards in the total amount of \$46,000. The jury returned a verdict in favor of the security guard on her counterclaim in the amount of \$4,000, which was offset against the Plaintiff's damages against that particular Defendant.

3. *Wagner, et al. v. Kreiesieck, et al., Denver County District Court Case No. 08CV7789; Date of Incident: September 3, 2007; Date of Trial: October 5, 2009*

Defendant development company owned and operated a nightclub where the Plaintiffs were patrons. The Plaintiffs observed the Defendant arguing with a female patron. This Defendant approached Plaintiffs and a physical altercation ensued. Both Plaintiffs were injured in the attack. Two bouncers employed by the nightclub observed the altercation, but did not intervene or attempt to stop the fight. The Plaintiffs filed suit against their assailants for negligence and assault and battery. Plaintiffs also filed suit against the nightclub for respondent superior and negligence per se. The nightclub failed to respond to the lawsuit, and default entered against it prior to trial. The case proceeded to a jury trial against one of the perpetrators only. Defendant admitted liability at trial, and the jury returned a verdict for Plaintiffs in the total amount of \$156,800. The jury, however, apportioned a minimal percentage of fault to the only Defendant on trial, so the total verdict against him was approximately \$27,000.

4. *Mulhall v. Cool River Restaurant, L.P., dba Cool River Cafe, Arapahoe County District Court Case No. 08CV2043; Date of Incident: September 21, 2007; Date of Trial: November 1, 2010*

The Plaintiff was refused entry to the Defendant's restaurant because of a previous incident at the restaurant involving his companion. As the Plaintiff and his group left the restaurant, a bouncer allegedly tackled the Plaintiff, crashing him into the door frame and knocking him to the ground. The Plaintiff claims that other bouncers piled on him and pushed their knees into his back. The Plaintiff tried to get up and leave and the bouncers chased after him. The police were called to the restaurant. The Plaintiff allegedly sustained soft tissue injuries and a torn rotator cuff as a result of the incident. The Plaintiff filed suit against the restaurant, claiming that it was negligent in the training and supervision of its employees because it allowed the bouncers to attack him without provocation. The Plaintiff also asserted a claim for vicarious liability against the restaurant and claimed that the restaurant knew of a present danger to its patrons based on the bouncer's predilection for violence. The jury returned a verdict for the Defendant and dismissing all of the Plaintiff's claims. The jury found that the Defendant was not liable, that Plaintiff had no damages, and that there was no causation for the claimed damages.

5. *Milham v. Perez, United States District Court for the District of Colorado Case No. 03-MK-702; Date of Trial: January 24, 2008*

The Plaintiff had been drinking at the Sing Sing bar in Denver. Bar employees told the Plaintiff and her friends that the bar was closing and that they needed to leave. The Defendant was working security at the bar. Bar employees told the Defendant to help the Plaintiff and her friends out of the bar. On the way out, the Plaintiff claimed that the Defendant lifted her up, threw her against a wall, and broke her arm. The Plaintiff claimed that the Defendant used excessive force. The Defendant denied the Plaintiff's allegations and claimed that she broke her arm while struggling during her arrest for disorderly conduct. The Plaintiff filed suit against the owner of the bar based on vicarious liability; however, the Court granted summary judgment in favor of the bar prior to trial. The Plaintiff went to trial on her claims against the Defendant security guard only. The jury returned a verdict for the Plaintiff on her excessive force claim in the amount of \$10,000.

6. *Drachmeister v. 4040 E. Evans, Inc., dba The Deadbeat Club, Inc., Denver County District Court Case No. 01CV1274; Date of Incident: March 2000; Date of Trial: August 2002*

The Plaintiff sustained trigeminal nerve damage, blurred and double vision, facial scarring, multiple facial fractures, a comminuted fracture of his maxillary sinus, TMJ syndrome, headaches, facial lacerations, and multiple abrasions and contusions after Defendant's employee bouncer assaulted him outside Defendant's club, where the Plaintiff was a patron. The Plaintiff claimed that the Defendant failed to provide a safe environment for its patrons and failed to ensure that its employees followed rules and guidelines for security operations, and that the bouncer used excessive force. The Defendant denied liability and claimed that the bouncer acted in self-defense and that Plaintiff was comparatively negligent. The jury returned a verdict for the Plaintiff in the amount of \$159,200, including \$120,000 for pain and suffering. The Plaintiff was found to be 49 percent negligent, and the verdict was reduced accordingly.

7. *Adams v. K.L.C. Management Co., Inc., dba Cowboys Country and Western Bar and Sage, El Paso County District Court Case No. 00CV0189; Date of Incident: April 1999; Date of Trial: January 2001*

The Plaintiff sustained headaches, chronic pain syndrome, cervical and thoracic strains, and myofascial pain when the Defendant's employees allegedly used excessive force in attempting to get the Plaintiff to leave the establishment against his will. The Plaintiff claimed that the Defendant's employees committed assault and battery and that the Defendant failed to provide a safe environment for its patrons. The Defendant denied liability and disputed the extent of Plaintiff's alleged injuries. Defendant also claimed that its employees acted in self-defense and that the Plaintiff was comparatively negligent. The jury returned a verdict for the Plaintiff in the amount of \$86,076, including \$45,000 for pain and suffering and \$29,750 in punitive damages.

8. *Longworth v. Sears, Roebuck & Co., Inc., et al., Jefferson County District Court Case No. 98CV3528; Trial Date: February 24, 2000*

The Plaintiff was a customer at Defendant's store. The store's security guard asked Plaintiff to leave the store based on a prior experience. The Plaintiff claimed that the security guard was rude to him and baited him into lunging toward the security guard. The security guard took Plaintiff to the ground. The Plaintiff filed suit against the store and the security guard, claiming that the guard was negligent in taking him to the ground and causing back, knee, and shoulder injuries. The Defendants admitted that the security guard restrained the Plaintiff but denied that he used excessive force and denied the extent of the Plaintiff's alleged injuries. The jury returned a verdict for the Defendants and against the Plaintiff.

9. *Thomas v. Sears, Roebuck & Co., et al., Denver District Court Case No. 96CV3837; Date of Incident: August 26, 1995; Date of Trial: May 27, 1997*

The Plaintiff attempted to use her mother's credit card while shopping at a Sears store. The Plaintiff claimed that she was authorized to use the credit card, but Sears refused to allow the purchases and confiscated the credit card. The Plaintiffs claimed that while they were in the store, Sears' security guards verbally and physically assaulted them. The Defendant security guards claimed that it was necessary to restrain the Plaintiffs after they assaulted the guards. Defendants claimed that they acted in self-defense and that the Plaintiffs were comparatively negligent. The jury returned a verdict for the Defendants and against the Plaintiffs. The jury found that the Defendants proved their affirmative defense of self-defense.

10. *McDaniel v. K-Mart Corporation, Denver County District Court Case No. 96CV0811; Date of Trial: October 15, 1996*

The Plaintiff was shopping with her two minor daughters at a K- Mart store. She picked up her layaway items after making the final payment and was exiting the store when a K-Mart employee demanded The Plaintiff produced a receipt. The Plaintiff claimed she produced the receipt, but the employee instructed her to go to the end of a check-out line. The Plaintiff was in a hurry, so she left the store. K- Mart employees detained the Plaintiff in the parking lot on suspicion of shoplifting. Plaintiff claimed that a K-Mart security officer physically and verbally assaulted her and her daughters. K-Mart denied any assault and asserted that its employees followed store policy regarding layaway items. The jury returned a verdict for the Defendant and against the Plaintiffs on all claims. The jury found that the Plaintiffs suffered minor damages, but that the Plaintiffs' injuries were not caused by the Defendant.

11. *Martinez, et al. v. FSA Supersaver #1 Ltd., dba Supersaver Cinema 8, et al., Denver County District Court Case No. 93CV6223; Date of Incident: July 18, 1992; Date of Trial: October 24, 1994*

The Plaintiffs went to the Defendant's movie theater to see a movie. A security guard employed by the Defendant security company and theater employees were outside the theater near the front entrance when an employee asked the security guard how far his self-defense canister would spray. The security guard sprayed his canister as the Plaintiffs approached the theater and the pepper spray struck the Plaintiffs. T h e Plaintiffs claimed that the incident was the result of horseplay by the security guard and theater employees. Default was entered against the Defendant security company. The security guard Defendant was never served. The jury returned a verdict for the Plaintiffs and against the Defendant theater.

12. *Ruszkowski v. Leiker and Sevo-Miller, Inc., Arapahoe County District Court Case No. 92CV2628; Date of Trial: August 28, 1995*

The Plaintiff claimed that he was physically assaulted by the Defendant while he was working security at an apartment complex managed by the Defendant Sevo-Miller, Inc. The Defendant admitted that he had an altercation with Plaintiff but denied that he attacked him. The Defendant claimed that he observed Plaintiff passed out in a van on the property and became concerned for his safety. The Defendant entered the van and revived the Plaintiff, at which time the Plaintiff attacked him. T h e Defendant claimed that he acted in self-defense when he hit Plaintiff on the head with a metal flashlight. The jury returned a verdict for the Defendants and against the Plaintiff.

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13. ***Sanchez v. Nenoff, dba West Hills Security***, Adams County District Court Case No. 92CV0573; Date of Incident: November 8, 1991; Date of Trial: May 17, 1993

The Plaintiff claimed that the Defendant security guard assaulted him during an arrest outside the Shangri-La Night Club, during which the Plaintiff sustained a gunshot wound. The Plaintiff claimed that the Defendant kned him in the groin and that he struck the Defendant. Plaintiff alleged that the Defendant shot him simultaneously or shortly after he hit him. The Defendant claimed that the Plaintiff's own actions caused the incident and that the Plaintiff failed to obey a reasonable command. The jury returned a verdict for the Defendant and against the Plaintiff.

14. ***Cunningham, et al. v. Target Stores***, Weld County District Court Case No. 91CV26; Date of Trial: June 1, 1994

The Plaintiffs worked at a Target store in Greeley, Colorado. Target accused the Plaintiffs of stealing items from the store's snack bar. The Plaintiffs were detained by Target's internal security employees while questioned. The Plaintiffs eventually confessed, and they were subsequently fired. The Plaintiffs filed suit and claimed that they suffered emotional distress as a result of their detainment. The jury returned a verdict for the Defendant and against the Plaintiffs.

15. ***Greer v. Fleming and Three Strikers, Ltd., dba Whiskey Bill's***, Jefferson County District Court Case No. 90CV3190; Date of Incident: April 22, 1990; Date of Trial: June 4, 1991

The Plaintiff was a patron at the Defendant Whiskey Bill's bar. The Plaintiff claimed that the Defendant MF, a bouncer at the bar, took him outside and smashed his head into the parking lot pavement. The Defendant Whiskey Bill's denied that the Defendant MF was acting within the course and scope of his employment at the time of the altercation and that it had instructed the Defendant MF not to go outside the bar while on duty. The jury returned a verdict for the Plaintiff and against the Defendants. The jury awarded \$70,000 in exemplary damages to the Plaintiff against the Defendant MF.

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- 16. *Lucero v. Atkinson and Wells Fargo Guard Service, dba BPS Guard Services, et al.*, Denver County District Court Case No. 88CV13679; Date of Trial: June 26, 1989**

The Plaintiff was at a bus station with his sister when bus station security guard allegedly assaulted him, causing bruises and contusions. The security guard was employed by the Defendant Wells Fargo Guard Service. The Defendants claimed that Plaintiff and his sister started the incident and that the security guard acted in self-defense. The jury returned a verdict for the Defendants and against the Plaintiff on all claims.

- 17. *Hopkins v. Lynch and Guardsmark, Inc.*, Denver County District Court Case No. 84CV8846; Date of Incident: April 4, 1984; Date of Trial: May 5, 1986**

The Plaintiff and the Defendant were involved in a heated argument that allegedly escalated into the Defendant hitting the Plaintiff in the face and breaking his nose. The Defendant was employed as a security guard for Defendant Guardsmark, Inc., at the time of the incident. The Defendants claimed the security guard acted in self-defense and disputed the extent of the Plaintiff's alleged injuries. The jury returned a verdict for the Defendants and against the Plaintiff.

- 18. *Winberg v. Pinkerton's Inc.*, United States District Court for the District of Colorado Case No. 83-C-586; Date of Trial: October 17, 1983**

The Plaintiffs' daughter, a 20-year-old part-time teller at a bank, was killed during the course of a robbery by an off-duty security guard who also worked at the bank. The Plaintiffs claimed that the Defendant breached its contractual duty to protect Plaintiffs' daughter, that the Defendant negligently hired that security guard, that the Defendant knew or should have known that the guard was planning to commit a crime, and that the Defendant failed to take reasonable steps to prevent the crime. The jury returned a verdict for the Plaintiffs and against the Defendant.

- 19. *Beason v. Atlantis I, Inc.*, El Paso County District Court Case No. 83CV337; Date of Trial: December 1985**

The Defendant nightclub's bouncer forcibly ejected Plaintiff from the club and caused brain damage when Plaintiff's head struck a slate floor. The Plaintiff suffered loss of IQ and was permanently disabled. The Plaintiff claimed that the bouncer used excessive force. The bouncer had a history of alleged excessive force. The Defendant admitted liability in exchange for the dismissal of the Plaintiff's punitive damages claim and an agreement that the Plaintiff would not execute a judgment in excess of \$1,000,000. The jury awarded Plaintiff \$1,560,000. The parties settled the case for \$1,000,000 after the Defendant's motion for a new trial was denied.

20. *VanBuren v. K-Mart, et al.*, Jefferson County District Court Case No. 81CV2868; Date of Trial: October 12, 1983

Five minors were stopped, detained, and searched at a K-Mart store on suspicion of shoplifting. K-Mart's security manager observed one of the children take and hide costume jewelry on her person. She did not pay for the merchandise. K-Mart security personnel searched all five children, which the Plaintiffs claim caused severe humiliation and embarrassment. The jury returned a verdict for the Plaintiffs and against the Defendants K-Mart and the security manager on the Plaintiffs' false imprisonment claim. The jury awarded actual damages in the amount of \$1,000. The jury also awarded \$5,000 in exemplary damages against K-Mart.